



Phone: 541-682-5481
www.eugene-or.gov/pc

AGENDA

Meeting Location:
Atrium Building, Sloat Room
99 West 10th Avenue
Eugene, OR 97401

The Eugene Planning Commission welcomes your interest in this agenda item. Feel free to come and go as you please at the meeting. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the Planning Department at 541-682-5675.

TUESDAY, DECEMBER 11, 2012 – 6:00 P.M.

- I. **PUBLIC HEARING: DOWNTOWN NODAL DEVELOPMENT OVERLAY ZONE CODE AMENDMENT**
Lead City Staff: Nan Laurence, 541-682-5340
- II. **PUBLIC HEARING: URBAN ANIMAL KEEPING (FARM ANIMAL STANDARDS) CODE AMENDMENTS**
Lead City Staff: Kristie Brown, 541-682-6041

Public Hearing Format for Code Amendments

The Planning Commission will receive a brief City staff report followed by an opportunity for public comment. Time limits on testimony may be imposed. The Planning Commission may seek a response to testimony from City staff. At the end of the hearing, the Planning Commission Chair will announce whether the record is closed, the record will be held open, or the public hearing will be continued.

Commissioners: Steven Baker; Jonathan Belcher; Rick Duncan; Randy Hledik, Chair;
John Jaworski; Jeffery Mills; William Randall (Vice Chair)

AGENDA ITEM SUMMARY

December 11, 2012

To: Eugene Planning Commission

From: Nan Laurence, Community Development Division

Subject: Public Hearing on Land Use Code Amendment:
Drive-Through Facilities in /ND Nodal Development Overlay Zone in the Downtown
(City File CA 12-3)

ACTION REQUESTED

Hold a public hearing on a land use code amendment related to permitted uses in the /ND overlay zone for the Downtown Plan area.

BRIEFING STATEMENT

Earlier this year, as part of Envision Eugene, the City Council initiated code amendments to facilitate desired mixed use development for downtown and along transit corridors. Consistent with several strategies in the Envision Eugene proposal, the purpose of these amendments is to make compact urban development easier in the downtown, on key transit corridors, and in core commercial areas by removing regulatory barriers. These amendments are also necessary as part of the city's strategy to accommodate the city's 20 year need for commercial and multi-family housing inside the current urban growth boundary (UGB). Only the /ND code amendment is the subject of the December 11th public hearing; the remaining code amendments related to mixed use development for downtown and transit corridors will be considered as a package at a later Planning Commission public hearing.

BACKGROUND

The impetus to amend the /ND overlay zone came from recommendations through Envision Eugene as well as multiple stakeholder interviews over several years. A number of elements of the overlay zone were seen as problematic, including the density requirement as well as inflexibility in the list of permitted uses. As a result, changes to this code section were a part of the package of draft code amendments going forward for review.

Earlier this fall a development opportunity surfaced for one of the sites downtown with the /ND overlay. In late October 2012, the City Council agreed to sell property in the Downtown Plan area to enable the development of Northwest Community Credit Union's regional headquarters. This development proposes a use that is in keeping with the goals and policies for downtown, including strengthening downtown as a regional center and increasing commercial activity between the core of downtown and the river. However, this development requires a drive-through facility, which is currently not allowed in the /ND even as an ancillary use for a multi-story structure. Given council's action and terms of the sale agreement, it is necessary to consider a code amendment to the /ND overlay in an expedited fashion. As a

result, this one component of the code amendment package has been pulled forward to be considered on its own with a shorter time frame for resolution. The proposed language is included as Attachment A.

The Planning Commission held a work session on November 19, 2012 to review and provide feedback on the proposal.

Public Notice and Testimony

Notice of the public hearings was sent to all neighborhood organizations, the City of Springfield, Lane County, as well as community groups and individuals who have requested notice. In addition, notice was also published in the Register Guard. As of the writing of this report, no public testimony was received in response to the public hearing notice. Any testimony received prior to the public hearings will be forwarded to the Planning Commission upon receipt.

Applicable Criteria

The Eugene Planning Commission shall address the relevant approval criteria from the Eugene Code (EC) in making recommendations to the Eugene City Council on the amendments, as listed below in ***bold italic***. Preliminary findings addressing the required approval criteria have been prepared by staff and are provided as Attachment B.

EC 9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.***
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***
- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.***

Recommendation

Staff recommends that the Planning Commission hold a public hearing and review the public testimony related to the proposed code amendment. Following the public hearing, the Planning Commission will deliberate on the proposed code amendment and provide a recommendation to the City Council. Planning Commission deliberations are scheduled for December 17, 2012. A public hearing is scheduled at City Council on January 22, 2013, with action scheduled for February 11, 2013.

FOR MORE INFORMATION

Nan Laurence, 541-682-5340 or nan.laurence@ci.eugene.or.us

ATTACHMENTS

- A. Proposed Code Amendment Language
- B. Draft Findings

Proposed Code Amendment

Additions are in bold *italics* and deletions show with ~~strikeout~~

/ND Nodal Development Overlay Zone

- 9.4250** **Purpose of /ND Nodal Development Overlay Zone.** The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development and to protect identified nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations. An adopted development plan for a specific node may recommend the /ND Nodal Development overlay zone as the sole implementing land use regulation for all or part of a nodal development area. It is intended that each node identified by the /ND overlay zone achieve an average overall residential density of at least 12 units per net residential acre.
- 9.4260** **Procedure for Applying the /ND Nodal Development Overlay Zone.** Rezoning to apply the /ND overlay zone concurrent with a Metro Plan diagram amendment to apply the /ND Nodal Development designation shall be processed as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures. Except as provided in EC 9.7810, rezoning to apply the /ND overlay zone to property shown as ND Nodal Development on the Metro Plan diagram shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures. Proceedings to apply the /ND overlay zone may be initiated only by the city council.
- 9.4270** **Applicability.** The /ND overlay zone applies to all property where /ND is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. The /ND requirements in EC 9.4280 and 9.4290 apply to the following:
- (1) New development on vacant land.
 - (2) New structures on already developed sites, such as conversion of a parking area to a structure or demolition of a structure and construction of a new structure.
 - (3) An expansion of 30% or more of the total existing building square footage on the development site; however, expansion of a structure for a use prohibited under EC 9.4280 or the expansion/addition of a drive-through facility as part of the expansion of an existing structure are prohibited.
- The /ND standards in EC 9.4290 do not apply to a building alteration. The provisions of the /ND overlay zone supplement those of the applicable base zone or special area zone and other applicable overlay zones. Where overlay zone and base zone provisions conflict, the more restrictive controls.
- 9.4280** **Prohibited Uses and Special Use Limitations.**
- (1) **Prohibited Uses.**
 - (a) **Motor Vehicle Related Uses.**
 1. Car washes.
 2. Parts stores.

3. Recreational vehicle and heavy truck, sales/rental/service.
4. Motor vehicle and motorcycle sales/rental/service.
5. Service stations, includes quick servicing.
6. Tires, sales/service.
7. Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
8. Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site.
- (b) Trade (Retail and Wholesale).
 1. Agricultural machinery rental/sales/service.
 2. Boats and watercraft sales and service.
 3. Equipment, heavy, rental/sales/service.
 4. Manufactured dwelling sales/service/repair.
- (2) **Special Use Limitations.**
 - (a) ***Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, No use may include a drive-through facility, unless explicitly permitted in a refinement plan. Within the Downtown Plan Area:***
 1. ***Drive-through only establishments are not permitted.***
 2. ***For a structure that has two or more functional floors, a drive-through facility is permitted.***
 3. ***For a structure that has only one functional floor, a drive-through facility to provide financial services, pharmaceutical prescription dispensing or government services may be permitted subject to an adjustment based on the criteria at EC 9.8030(16).***
 - (b) No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area on the ground floor and only one such new building may contain 50,000 square feet of building area on the ground floor.

9.4290 Density and Development Standards. In addition to the requirements of the base zone, the following standards shall apply:

- (1) **Minimum Residential Density and Floor Area Ratio (FAR).**
 - (a) Where the base zone is R-1 or R-1.5, new subdivisions shall achieve a minimum residential density of 8 units per net acre. Minimum residential density in R-2 shall be 15 units per net acre; in R-3 it shall be 25 units per net acre; and in R-4 it shall be 30 units per net acre.
 - (b) Where the base zone is C-1, C-2, C-3, or GO, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be 1.0 FAR (1.0 square feet of floor area to 1 square foot of the development site).
 - (c) Where the base zone is C-4, I-1, I-2, or I-3, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be .40 FAR (.40 square feet of floor area to 1 square foot of the development site).
- (2) **Building Setbacks.**
 - (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.

- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.
- (3) **Parking Between Buildings and the Street.** Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street. For sites that abut a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c). For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street.
- (4) **Adjustments.** Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, an adjustment to any of the standards in this section may be made for /ND parcels with no alley access or with physical or legal constraints pursuant to the criteria beginning at EC 9.8015 of this land use code. Adjustments to this section may be made for any parcel within the Downtown Plan Area based on the criteria at EC 9.8030(16).

9.8030 **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

- (16) **Downtown Plan Area.** Where this land use code provides that a development standard applicable within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
 - (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
 - 1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and
 - 2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.
 - (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.
 - (c) For adjustments pursuant to EC 9.2171(13) only, placing utilities underground would be unreasonably onerous to the applicant.

Findings of Consistency

Drive-Through Facilities in the /ND Nodal Development Overlay Zone within the Downtown Plan

(City File CA 12-3)

Code Amendment Eugene Code Section 9.8065 requires that the following approval criteria (in bold and *italics*) be applied to a code amendment:

(1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City has acknowledged provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The process for adopting this amendment was consistent with the City's requirements and provided numerous additional opportunities for interested parties to participate in development of the amendments.

The Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was also published in the Register Guard. The City Council will hold a duly noticed public hearing to consider approval, modification, or denial of the code amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

The Eugene Land Use Code specifies the procedure and criteria that are to be used in considering this amendment to the code. The record for this amendment includes substantial factual information supporting the proposed ordinance. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of this amendment with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no Goal 2 Exceptions required for these amendments. Therefore, the

amendment is consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

The amendment is for property located within the urban growth boundary and does not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. To conserve forest lands.

The amendment is for property located within the urban growth boundary and does not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

The amendment does not create or amend the city's list of Goal 5 resources, does not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, does not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged UGB. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendment does not affect the City's ability to provide for clean air, water or land resources. Therefore, the amendment is consistent with Statewide Planning Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis and wildfires. Goal 7 prohibits a development in natural hazard areas without

appropriate safeguards. The amendment does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendment does not allow for new development that could result in a natural hazard. Therefore, the amendment is consistent with Statewide Planning Goal 7.

Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The code amendment does not affect the city's provisions for recreation areas, facilities or recreational opportunities. Therefore, the amendment is consistent with Statewide Planning Goal 8.

Goal 9 - Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendment does not impact the supply of industrial or commercial lands.

The amendment modifies the list of allowable uses for the /ND overlay zone, which increases the possibility for development or redevelopment of properties within this overlay zone for commercial uses. Therefore, the amendment is consistent with Statewide Planning Goal 9.

Goal 10 - Housing. *To provide for the housing needs of citizens of the state.*

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The amendment does not impact the supply of residential lands. Therefore, the amendment is consistent with Statewide Planning Goal 10.

Goal 11- Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendment does not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. *To provide and encourage a safe, convenient and economic transportation system.*

Statewide Planning Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et seq. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is implemented at the local level.

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility....*
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:*
 - (a) Changes the functional classification of an existing or planned transportation facility;*
 - (b) Changes standards implementing a functional classification system;*
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP*

The proposed amendment does not change the functional classification of an existing or planned transportation facility, does not change the standards implementing a functional classification, do not allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility and will not reduce the performance standards of a facility below the minimal acceptable level identified in the TSP. The level of development currently permitted through existing code and zoning regulations will remain the same as a result of this amendment. Therefore, the amendment is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. *To conserve energy.*

Statewide Planning Goal 13 calls for land uses to be managed and controlled “so as to maximize the conservation of all forms of energy, based upon sound economic principles.” Goal 13 is directed at the development of local energy policies and implementing provisions and does not state requirements with respect to other types of land use decisions. The amendment does not affect any of the City’s energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use.*

The amendment does not affect the City’s provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

Goal 15 - Willamette River Greenway. *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendment does not contain any changes that affect the regulation of areas within the Willamette River Greenway. Therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There is no coastal, ocean, estuarine, or beach and dune resources related to the properties affected by the amendment. Therefore, these goals are not relevant and the amendment will not affect compliance with Statewide Planning Goals 16 through 19.

(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these code amendments. Based on the findings provided below, the proposal is consistent with and supported by the applicable provisions of the *Metro Plan*.

B. Economic Element

B.11 Encourage economic activities, which strengthen the metropolitan area's position as a regional distribution trade, health, and service center.

The amendment will increase the permitted commercial uses with the /ND Nodal Development Overlay Zone within the Downtown Plan area. The amendment will allow for increased development and economic activity and is therefore consistent with this policy.

B.14 Continue efforts to keep the Eugene and Springfield central business districts as vital centers of the metropolitan area.

The amendment applies specifically to the Downtown Plan area. The amendment will encourage economic activities by increasing the flexibility of the /ND Nodal Development Overlay Zone to increase permitted commercial uses within downtown, Eugene's central business district and is therefore consistent with this policy.

F. Transportation Element

F.3 Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium-and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.

By increasing the permitted commercial uses in the /ND Nodal Development Overlay Zone the

amendment will allow for increased development and economic activity within downtown. Increased commercial development in downtown supports a transit-supportive land use pattern because of the location and the existing and planned transit routes within downtown.

Applicable Adopted Refinement Plans

The Eugene Downtown Plan is the applicable adopted refinement plan and contains policies that are applicable to this code amendment.

The applicable policies from the Eugene Downtown Plan (in *italics*) are addressed below. Based on the findings, the proposal is consistent with and supported by the applicable provisions of this plan.

Eugene Downtown Plan

Strong Regional Center Policy 1: Build upon downtown's role as the center for government, commerce, education and culture in the city and the region.

Consistent with this policy, the amendment will allow additional commercial development in downtown to support downtown's role as the center for commercial activity in the region.

Strong Regional Center Policy 2: Downtown development shall support the urban qualities of density, vitality, livability and diversity to create a downtown, urban environment.

Consistent with this policy, the amendment will allow additional commercial development in downtown to increase the density of development within the core area of Eugene.

Downtown Riverfront Policy 4: Facilitate dense development in the Courthouse area and other sites between the core of downtown and the river.

Properties where the /ND overlay zone currently apply are in close proximity to the river. The proposed code amendment will support commercial development adding to the density of development between downtown and the river.

(3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.

The amendment does not establish a special area zone. Therefore, this criterion does not apply.

AGENDA ITEM SUMMARY

December 11, 2012

To: Eugene Planning Commission

From: Kristie Brown, Building & Permit Services Division

Subject: Public Hearing on Land Use Code Amendments: Urban Animal Keeping Standards (City File CA 12-2)

ACTION REQUESTED

Hold a public hearing on a package of land use code amendments related to urban animal keeping standards (formerly referred to as farm animal standards).

BRIEFING STATEMENT

Earlier this year, the City Council initiated code amendments related to urban animal keeping standards on residential land. The purpose of these amendments is to make changes and clarifications to the land use code (Eugene Code Chapter 9) which will help increase opportunities for urban farming on residential lands within the city limits. This action will help to implement one of the seven pillars of Envision Eugene: “Climate Change and Energy Resiliency”. In addition, these amendments are listed as a high priority action in the City’s Climate and Energy Action Plan, which is supported by the City’s Food Security Scoping and Resource Plan. While farm animals are currently allowed in residential zones, these amendments are intended to increase the number of farm animals allowed in an urban setting, while still addressing neighborhood livability issues.

BACKGROUND

In February 2009, the Eugene City Council reviewed recommendations from the Eugene Sustainability Commission and adopted a motion directing staff to complete a Food Security and Resource Plan. Completed in 2012, the plan includes recommendations for community and City-led actions related to urban agriculture. These recommendations were incorporated into two city-wide planning processes: the Community Climate and Energy Action Plan (CEAP) and Envision Eugene. As a result, the city identified land use code barriers to increasing urban agriculture activities, including farm animal and micro-livestock keeping. To remove these barriers, the City Council directed staff to prepare amendments to the existing land use code regarding farm animal standards.

Staff started by using the Food Security Scoping and Resource Plan as a basis and comparing those recommendations to animal keeping codes from a broad range of other cities. From this work, a set of code concepts were identified and reviewed by several community stakeholders with expertise in the field. The concepts were also distributed to City staff for review to ensure consistency with other codes and programs. Staff from planning, land use, code enforcement, and the city attorney’s office have provided specific comments on the proposals. Based on this feedback, a city staff team drafted code language addressing the farm animal standards and proposed a renaming of these standards to “urban animal keeping” to help clarify the intent. The proposed code language is provided as Attachment A. The current urban animal keeping (farm animal) standards are included as Attachment B.

A website devoted to the project was created in mid-November 2012, and a news release was sent out by the City to inform the broader public about the draft code amendments. The neighborhood associations were provided information about the code amendments, including the website, and were also sent notice of the public hearing. The Planning Commission held a work session on November 19, 2012 to review and provide feedback on the proposals.

Public Notice and Testimony

Notice of the public hearing was sent to all neighborhood organizations, the City of Springfield, Lane County, as well as community groups and individuals who have requested notice. In addition, notice was also published in the Register Guard. As of the writing of this report, the city has received public testimony from ten people in response to the public hearing notice. This testimony is provided as Attachment C. Any additional testimony received prior to the public hearing will be forwarded to the Planning Commission.

Applicable Criteria

The Eugene Planning Commission shall address the relevant approval criteria from the Eugene Code (EC) in making recommendations to the Eugene City Council on the amendments, as listed below in ***bold italic***. Preliminary findings addressing the required approval criteria have been prepared by staff and are provided as Attachment D.

EC 9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.***
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***
- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone***

Recommendation

Staff recommends that the Planning Commission hold a public hearing and review the public testimony related to these proposed code amendments. Following the public hearing, the Planning Commission will deliberate on the proposed code amendments and provide a recommendation to the City Council. Planning Commission deliberations are scheduled for December 17, 2012. The City Council is tentatively scheduled to hold a public hearing on January 22, 2013 on the proposed code amendments. Action will be scheduled following the public hearing.

FOR MORE INFORMATION

Kristie Brown, 541-682-6041 or kristie.a.brown@ci.eugene.or.us

ATTACHMENTS

- A. Proposed Urban Animal Keeping Code Language
- B. Existing Farm Animal Standards
- C. Public Testimony
- D. Draft Findings

PROPOSED CODE LANGUAGE
Urban Animal Keeping Standards
November 26, 2012

9.5250 Urban Animal Keeping Standards.

- (1) Purpose.** The purpose of these standards is to allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources.
- (2) Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, all of the following standards are applicable to the keeping of an animal.
- (3) General Standards.**
 - (a) Animals not addressed in this section are not permitted under the “Urban Animal Keeping” use category.
 - (b) Except for animals kept on-site by an educational or religious institution, the person responsible for keeping an animal shall reside on or adjacent to the development site on which the animal is kept.
 - (c) Roosters, geese, peacocks, and turkeys are prohibited.
- (4) Animals Allowed.**
 - (a) On development sites of less than 20,000 square feet and located in a zone that allows “Urban Animal Keeping”, all of the following are allowed:
 - 1. Chickens. Up to 6 female chickens over six months of age.
 - 2. Rabbits and Domestic Fowl. Up to 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens. Examples of domestic fowl are quails, pheasants, or ducks.
 - 3. Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that the males are neutered.
 - 4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
 - 5. Bees. Up to 2 hives used for honey or pollination purposes, provided that they are located 15 feet from all property lines and a water source is provided on site.
 - (b) On development sites 20,000 square feet or greater and located in a zone that allows “Urban Animal Keeping”, all of the following are allowed:

1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl. Examples of domestic fowl are quails, pheasants, or ducks.
 2. Miniature Goats. Up to 2 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (10) below.
 3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
 4. Bees. No more than 4 hives used for honey or pollination purposes, provided that they are located 25 feet from all property lines and a water source is provided on site.
 5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (10) below.
- (5) Care of Animals.** No person shall subject an animal to cruel mistreatment or cruel neglect. This includes, depriving an animal of necessary food, drink, shelter, sanitation, space, exercise, and veterinary treatment; abandonment of an animal; and willfully torturing and inflicting inhumane injury or pain on an animal.
- (6) Sanitation.** Proper sanitation shall be maintained for all animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance, which includes all of the following:
- (a) Disposing of animal waste matter and not allowing it to accumulate;
 - (b) Compost piles that contain animal waste matter shall be located 5 feet from all property lines and be within an enclosed container or bin;
 - (c) Ensuring odors resulting from the animals are not detectable beyond property lines; and
 - (d) Storing all animal food in metal or other pest-proof containers.
- (7) Noise.** All persons keeping animals may not keep an animal that makes frequent or long continued noise within a sustained 15-minute period or it shall constitute a noise disturbance.
- (8) Fencing.** Fencing is required and shall be designed and constructed to confine all animals to the development site on which the animal is kept. The fence location and height are those required for fences in the applicable base and overlay zone.
- (9) Enclosures.**
- (a) An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site.
 - (b) The enclosure shall be roofed and have at least two solid sides.

- (c) The enclosure shall comply with the required height for accessory structures in the applicable base and overlay zone.
- (d) All structures designed and used to provide shelter for all animals shall be located at least 10 feet from all lot lines.

(10) Area Requirement for Animals. Minimum area of development site per animal over 6 months of age is as follows:

- (a) A cow or a horse: 10,000 square feet per animal.
- (b) A miniature cow, a miniature horse, a sheep, a miniature goat, a goat, an emu, an alpaca, and a llama: 5,000 square feet per animal.

(11) Harvesting.

- (a) Only chickens, fowl, or rabbits can be harvested.
- (b) Harvesting shall occur only on the development site on which the animals are kept, and shall not occur in view from any public area or any adjacent property owned by another.
- (c) Harvesting shall be done in a humane and sanitary manner.
- (d) No commercial slaughterhouse shall be allowed.

(12) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.

EXISTING CODE LANGUAGE

Farm Animal Standards

- 9.5250** **Farm Animal Standards.** All of the following standards are applicable to farm animals:
- (1) Farm Animals Allowed:**
 - (a) Except as provided in subsection (1)(b) below, up to 2 adult rabbits or fowl (no roosters) over 6 months of age are allowed in any residential zone.
 - (b) Rabbits, fowl (no roosters), cows, horses, sheep, goats, emus, and llamas are allowed in AG and R-1. There is no limit on the number of fowl (no roosters) or rabbits over 6 months of age permitted in AG and R-1 provided they are on a development site that contains at least 20,000 square feet and they meet the farm animal standards.
 - (2) Sanitation:** Proper sanitation shall be maintained for all farm animals. Proper sanitation includes:
 - (a) Not allowing farm animal waste matter to accumulate,
 - (b) Taking necessary steps to be sure odors resulting from farm animals are not detectable beyond property lines, and
 - (c) Storing all farm animal food in metal or other rodent-proof containers.
 - (3) Fencing:** Shall be designed and constructed to confine all farm animals to the owner's property.
 - (4) Setbacks:** All structures that house farm animals shall be located at least 25 feet from all existing residences (except the animal owner's) and at least 10 feet from interior lot lines.
 - (5) Minimum Lot Size and Area for Large Animals:**
 - (a) Minimum lot size of 20,000 square feet for cows, horses, sheep, goats, emus, and llamas.
 - (b) Minimum area per animal over 6 months of age:
 Cows, horses: 10,000 square feet
 Sheep, goats, emus, and llamas: 5,000 square feet

BROWN Kristie A

From: Kristi Rimer <kristirimer@live.com>
Sent: Friday, July 13, 2012 8:19 AM
To: BROWN Kristie A; ZUNNO Catherine C
Subject: Minature Pigs

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

my name is Kristi Rimer, I was refereed to you Ethan A Nelson. He said that you are more knowledgeable about the current zoning laws then he is and may be able to help me out.

I am keep up to date on the issues of trying to legalize some smaller and miniaturized farm animals in the city of Eugene.

My boyfriend and I have recently bought a house in Eugene and would like to move soon but I have a small 48 pound mini pig as a pet. She is full grown. I have a few questions, I know that dependent on the size of the lot I am living on she may be permitted, and I also know that some people are permitted to raise a single piglet in there back yard in agreement with noise and health coding until it has reached the weight for slaughter at about 100 pounds or so.

My piglet will never reach that weight as I said she is miniature and will not pass 48 pounds. I am wondering if she would be permitted?....though she will never be slaughtered. as stated before she is my pet. Or if there is a permit that I might purchase in order to have her? Also i was hoping you could give me an update on how the zoning law meetings for miniature animals to be in the city is Progressing.

I hope you Understand how important this is to me. She is my whole world. I hope to hear from you soon.

Thank you so much

Kristi Rimer

541 513 3679 (primary)

541 654 2700 (secondary)

KristiRimer@live.com (email)

BROWN Kristie A

From: Eugene Backyard Farmer <info@eugenebackyardfarmer.com>
Sent: Tuesday, November 06, 2012 11:27 AM
To: BROWN Kristie A
Subject: Turkeys

Hi Kristie:

Thank you again for bringing me into the conversation regarding proposed urban farming regulations.

Regarding turkeys, I have spoken to several people who have raised one or two for Thanksgiving and they say they are no more noisy than a hen.

The standard breed is the double broad breasted and they take 4 months to grow to butcher weight. Just like chickens they can be sexed and the hens will be lighter. And by the time the toms are old enough to assert themselves and make noise, it is almost time for Thanksgiving. There are also several heritage breeds available and like chickens, they can be sexed to insure a 85% likelihood of being a hen. They are smaller and take six months to be butcher weight.

I was also looking over my notes and I am not sure I expressed myself well enough when it comes to mini goats. Goats are heard animals and do best in a group. Two or three is the ideal backyard number. If raised alone, one goat will be very noisy. Their cry is loud and sounds eerily like a small child crying (and not the good "I am hungry, feed me" cry but rather "I am having a meltdown" cry).

Thanks again for your time and please feel free to let me know when public meetings are scheduled.

Bill

--

Eugene Backyard Farmer
501 Washington St
Eugene, OR 97401
541-485-3276
www.eugenebackyardfarmer.com

BROWN Kristie A

From: amy beller <belqueen@efn.org>
Sent: Wednesday, November 07, 2012 11:32 AM
To: BROWN Kristie A
Subject: backyard bees

Hello Kristie,

I'm writing to say that bees are an asset to Eugene. We have 4 backyard beekeepers in my neighborhood and everyone I talk to is so happy to know that we have bees. Our next door neighbors makes sure their bird bath has water in it everyday in the summer just so they'll come to their yard (not that they wouldn't of course, but I think people in general are worried about all the problems bees have been having over the past few years, and they like the idea that they are helping keep bees healthy and working in our gardens).

We have one hive in our yard, and that is enough for us. It seems to me that 2 hives in a city backyard would be just fine. Personally, 4 seems like a bit much for in town only because not everyone knows that **when bees are swarming, they are extremely non-aggressive**. Honey bees are very non-aggressive anyway, but are often lumped together with yellow-jackets, wasps and hornets, all of which are very aggressive and nasty. You have to really go out of your way to get a bee to sting you, unless it's accidental as in stepping on one. Honey bees only sting if they are threatened, especially if their home is threatened. When bees are swarming, they don't have a home to protect and so are really not a danger to people or pets (again, unless you go after them aggressively).

So, please consider this email in support of raising the number of hives a backyard beekeeper is allowed to have in the city of Eugene.

Thank you,

Amy Beller
Lane Co. Beekeepers Assoc. member

BROWN Kristie A

From: Nancy Ellen Locke <n_e_locke@hotmail.com>
Sent: Tuesday, November 13, 2012 8:31 AM
To: FAN Board
Cc: BROWN Kristie A; mail@eugenefriendlyfarmers.ning.com
Subject: CLIFF NOTES FOR PROPOSED CODE LANGUAGE, Farm Animal Standards, November 13th, 2012

**PER YOUR REQUEST
AT THE NOVEMBER 11, 2K12
MONTHLY FAN EXECUTIVE BOARD MEETING
WASHINGTON PARK COTTAGE*
Nancy Ellen Locke**

*** Has had other names in the past**

From: n_e_locke@hotmail.com
To: kristie.a.brown@ci.eugene.or.us; mail@eugenefriendlyfarmers.ning.com
CC: fanboard@googlegroups.com
Subject: (FANBoard) PROPOSED CODE LANGUAGE, Farm Animal Standards, November 10th, 2012
Date: Mon, 12 Nov 2012 01:52:39 +0000

Dear Kristie A Brown & Anne Donahue,

Thank You for requesting my input on the Proposed Code Language, Farm Animal Standards document.

I was given considerable input from my daughter Ruth Klein - who has just recently put the Farm Animal Standards together for the City of Hillsboro, Oregon.

This is a minor re-write of your document.

Hope that this helps you ladies out,

Nancy Ellen Locke, Current FAN Board Member

PROPOSED CODE LANGUAGE
Farm Animal Standards
November 10th, 2012

9.5250 Farm Animal Standards. The purpose of these standards is to allow for increased opportunities for residential urban farming within the city limits, while encouraging compatibility

within the urban environment. For purposes of this section, farm animals shall include, but are not limited to; fowl, rabbits, goats, horses, cattle, sheep, llamas, emu, alpacas, swine, and bee hives; excluding dogs and cats. All of the following standards are applicable to the keeping of farm animals:

(1) General:

Consider the following: * Require all persons keeping farm animals to reside on or adjacent to the development site on which the animals are kept, include exception for school & church uses * No roosters, geese, peacocks, turkeys or other similar loud fowl

(a) Except for school and church uses, all persons keeping farm animals shall reside on or adjacent to the development site on which the animals are kept.

(b) Roosters, geese, peacocks, turkeys, and other similar loud fowl are prohibited.

(2) Farm Animals Allowed:

Farm Animals
Allowed (Less
than 20,000 sq.ft
development site)

Consider allowing the following: * Permitted outright in R-1, R-2, R-3, R-4, AG agricultural, and all special area zones which allow residential uses: * Up to 6 chickens over 6 months of age * Up to 6 of any combination of rabbits or domestic fowl (not including chickens) over 6 months of age * Up to 2 miniature goats, provided that they are dehorned and the males are neutered * No more than 1 miniature pig up to 150 pounds * Up to 2 bee hives; w/ water source

(a) Development sites less than 20,000 square feet and located in R-1, R-2, R-3, or R-4 Residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:

1. Chickens. Up to 6 female chickens over six months of age.
2. Rabbits and Domestic Fowl. Up to 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens.
3. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that they are dehorned and the males are neutered.
4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
5. Beekeeping. Up to 2 hives used for honey or pollination purposes, provided that they are located 15 feet from all property lines and a water source is provided on site.

*Farm Animals
Allowed (20,000
sq.ft or greater
development site)

Consider allowing all the following in R-1, R-2, AG agricultural, and all special area zones which allow residential uses: * Chickens, rabbits and domestic fowl (no limit) * Up to 2 miniature goats provided that they are dehorned and the males are neutered. Additional goats are allowed subject to the minimum area requirement * No more than 1 miniature pig up to 150 pounds * Up to 4 bee hives; w/ water source * Cows, horses, sheep, goats, emus, alpacas, and llamas subject to the minimum area requirement

(b) Development sites 20,000 square feet or greater and located in R-1 or R-2 residential zones, AG

agricultural, and all special are ones which allow residential uses, allowed all of the following:

1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl.
2. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that they are dehorned and the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (9) below.
3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
4. Beekeeping. No more than 4 hives used for honey or pollination purposes, provided that they are located 25 feet from all property lines and a water source is provided on site.
5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (9) below.

*Prohibits mistreatment and neglect of farm animals

(3) Care of Animals. No person shall subject any animal to cruel mistreatment or cruel neglect. This includes, but not limited to; depriving any animal of necessary food, drink, shelter, sanitation, space, exercise, and emergency veterinary treatment; pain on any animal.

*Clarify/strengthen requirements: * Add language regarding the purpose of the sanitation standards * Add language regarding disposal of animal waste

(4) Sanitation. Proper sanitation shall be maintained for all farm animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals or constitute a nuisance, which includes all of the following:

- (a) Disposing of animal waste matter and not allowing it to accumulate;
- (b) Ensuring odors resulting from the animals are not detectable beyond property lines; and
- (c) Storing all food in metal or other pest-proof containers.

*Add requirements in Chapter 9: * Animals that make frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance

(5) Noise. All persons keeping farm animals may not keep an animal that makes frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance.

*Clarify/strengthen requirements: * Fencing is required * Fencing must meet applicable base & overlay zone standards related to height and setback

(6) Fencing. Fencing is required and shall be designed and constructed to confine all farm animals to the owner's property. The fence type, location, and height are those required for fences in the applicable base and overlay zone.

* Requires enclosure which provides shelter for all farm animals, which is roofed and at least two sided * Enclosure must meet applicable base & overlay zone standards related to height and setback

(7) Enclosures. An enclosure is required and shall be designed and constructed to provide shelter for all farm animals. The enclosure location and height are those required for accessory structures in the applicable base and overlay zone.

* Structures are required to be 15 feet from residences on adjacent lots * Structures must meet setback requirements of base & overlay zone * Bee hives shall be a minimum of 15 feet from property line if lot is less than 20,000 sq. ft. and 25 feet if lot is 20,000 sq. ft. or greater

(8) Required Setbacks. All structures designed and used to provide shelter for farm animals shall be located at least 15 feet from all existing residences on adjacent lots, while complying with those

required setbacks for accessory structures in the applicable base and overlay zone.

*No change proposed

(9) Minimum Lot Size. Minimum lot size of 20,000 square feet in order to keep cows, horses, sheep, goats, emus, alpacas, and llamas.

*Add minimum area of 5,000 sq. ft. for miniature cows, miniature horses, miniature goats, and alpacas

(10) Area Requirement for Animals. Minimum area of development site per animal over 6 months of age:

(a) Cows and horses: 10,000 square feet

(b) Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet

*Chickens, fowl, and rabbits may be slaughtered on site out of view of public areas and adjacent property

(11) Harvesting. Only chickens, fowl, and rabbits may be slaughtered on site in a humane and sanitary manner as long as it is not done in view from any public area or any adjacent property owned by another.

BROWN Kristie A

From: Greg Norman <normgr00@yahoo.com>
Sent: Thursday, November 15, 2012 11:50 AM
To: BROWN Kristie A
Subject: Farm Animals/Micro Livestock

Follow Up Flag: Follow up
Flag Status: Flagged

I suggest a refinement to the Farm Animals/Micro Livestock rules so that the rules for rabbits are set to reflect the process of raising rabbits for food. It can be done with the currently proposed two bunny limit but is discouraging for those that would want to try.

The best regulation would allow 3 rabbits and have an exception for the offspring under 6 months of age.

This is how it plays out in the yard. You need one buck who mostly just eats and produces little. You have two does that take turns producing offspring. With only one female the feed costs are not so economical because half goes to the unproductive male. Then of course you need to raise the offspring until they are ready to harvest.

Why adding the third rabbit to the limit will not create a problem:

- 1) Rabbits are completely quiet unlike chickens. No one even knows they are there.
- 2) Rabbit manure smells less than chicken manure. (It is also less hot and can be added to the garden without first composting. It is the best livestock manure for gardens because of this fact.)
- 3) Rabbits require much less space than a chicken to be happy and healthy.

Please feel free to contact me if you have any questions on rabbits. I have extensive experience raising backyard rabbits. I currently do not do it but look forward to assisting others in this rewarding hobby.

Best Regards,
 Greg Norman
 541-343-3890
 4485 Larkwood St.
 Eugene

BROWN Kristie A

From: Pamela Seaver <pamseaver2000@yahoo.com>
Sent: Sunday, November 18, 2012 3:17 PM
To: BROWN Kristie A
Subject: Testimony regarding Bee Hives

We are writing in support of the proposed ordinance which will allow 2 bee hives per properties of 20,000 square feet or smaller. We are backyard beekeepers as well as members of the Lane County Beekeeper Association.

We know the importance of having honey bees for pollination of fruits, vegetables and flowers. We have grown to admire the remarkable qualities of these creatures and as backyard gardeners also, we have enjoyed the bounty that has increased with introduction of bees in the yard.

One of greatest reasons to support backyard beekeeping is the colonies of wild bees have been wiped out by urbanization, pesticides, parasitic mites and some diseases particular to bees. Today's beekeeper has become vital to reestablish lost colonies of bees and to offset the natural decrease in pollination by wild bees. We beekeepers are learning how to treat for disease, how to protect our colonies, how to expand our populations and we share this information with fellow beekeepers.

We understand some of the concerns of people not familiar with the benefits of honeybees. In addition, many people combine wasps, hornets, yellow jackets into the same category as honeybees. Yes they all have wings, can sting or bite inflicting pain or an allergic reaction, however, when studied, honeybees are known to be non-aggressive and do not sting without reason.

The Lane County Beekeeper Association meets monthly. They encourage members to provide information to the community regarding honeybees. We would suggest when people call the city with concerns over honeybees that they be directed to call the LCBA to talk with someone with firsthand knowledge of bees and issues regarding them.

Thank you for taking our statement in support of the proposal.

Lester and Pam Leavitt
1325 Brickley Road
Eugene, Oregon 97401
541-344-4228

BROWN Kristie A

From: jcbc60@aol.com
Sent: Monday, November 19, 2012 10:01 PM
To: BROWN Kristie A
Cc: jcbc60@aol.com
Subject: Eugene Ordinance

Kristie,

I'm a backyard beekeeper and I have seen the benefits the honey bees have given over the last 9 season to my garden as well as the neighbors. The honey bee is normally not aggressive, unless they are cornered even when they swarm you can move the cluster from a branch, house, eave or other places as they search for a new home.

This last summer we received 38 calls to remove swarms in Eugene, Springfield, Junction City and Veneta to Walterville and Cottage Grove. **The new Ordinance would allow me to bring a new swarm to my yard, making sure they are a strong hive before moving them to local orchards, berry patches and other food crops.**

I have given some hives to new beekeepers helping them learn to care and protect the hive. Many harvested some pure honey from their own new hive.

Thank you;

Jerry Carter
2172 Dewey street
Eugene 97402

PROPOSED CODE LANGUAGE

Farm Animal Standards

November 5, 2012

9.5250 Farm Animal Standards. The purpose of these standards is to allow for increased opportunities for residential urban farming within the city limits, while encouraging compatibility within the urban environment. For purposes of this section, farm animals shall include, but are not limited to; fowl, rabbits, goats, horses, cattle, sheep, llamas, emu, alpacas, swine, and bee hives; excluding dogs and cats. All of the following standards are applicable to the keeping of farm animals:

(1) General:

- (a) Except for school and church uses, all persons keeping farm animals shall reside on or adjacent to the development site on which the animals are kept.
- (b) Roosters, geese, peacocks, turkeys, and other similar loud fowl are prohibited.

(2) Farm Animals Allowed:

- (a) Development sites less than 20,000 square feet and located in R-1, R-2, R-3, or R-4 Residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:
 - 1. Chickens. Up to 6 female chickens over six months of age.
 - 2. Rabbits and Domestic Fowl. Up to 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens.
 - 3. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that they are dehorned and the males are neutered.
 - 4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
 - 5. Beekeeping. Up to 2 hives used for honey or pollination purposes, provided that they are located 15 feet from all property lines and a water source is provided on site.
- (b) Development sites 20,000 square feet or greater and located in R-1 or R-2 residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:
 - 1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl.
 - 2. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that they are dehorned and the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (9) below.
 - 3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.

Comment [R1]: Clarify that just because the farm animal may be a pet these standards still need to be followed. For example, a pot bellied pig that goes into the house.

Comment [R2]: Miniature and non-min versions. What about adding donkeys to list

Comment [R3]: Odd term. Does this mean a legal lot or does it mean a site that will be developed in the future?

Comment [R4]: What is the smallest lot size in this zone? If a person has all of these animals is that humane?

4. Beekeeping. No more than 4 hives used for honey or pollination purposes, provided that they are located **25 feet** from all property lines and a water source is provided on site.
5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (9) below.
- (3) **Care of Animals.** No person shall subject any animal to cruel mistreatment or cruel neglect. This includes, but not limited to; depriving any animal of necessary food, drink, shelter, sanitation, space, exercise, and emergency veterinary treatment; pain on any animal.
- (4) **Sanitation.** Proper sanitation shall be maintained for all farm animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals or constitute a nuisance, which includes all of the following:
 - (a) Disposing of animal waste matter and not allowing it to accumulate;
 - (b) Ensuring odors resulting from the animals are not detectable beyond property lines; and
 - (c) Storing all food in metal or other pest-proof containers.
- (5) **Noise.** All persons keeping farm animals may not keep an animal that makes frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance.
- (6) **Fencing.** Fencing is required and shall be designed and constructed to confine all farm animals to the owner's property. The fence type, location, and height are those required for fences in the applicable base and overlay zone.
- (7) **Enclosures.** An enclosure is required and shall be designed and constructed to provide shelter for all farm animals. The enclosure location and height are those required for accessory structures in the applicable base and overlay zone.
- (8) **Required Setbacks.** All structures designed and used to provide shelter for farm animals shall be located **at least 15 feet from all existing residences** on adjacent lots, while complying with those required setbacks for accessory structures in the applicable base and overlay zone.
- (9) **Minimum Lot Size.** Minimum lot size of 20,000 square feet in order to keep cows, horses, sheep, goats, emus, alpacas, and llamas.
- (10) **Area Requirement for Animals.** Minimum area of development site per animal over 6 months of age:
 - (a) Cows and horses: **10,000 square feet**
 - (b) Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet
- (11) **Harvesting.** Only chickens, fowl, and rabbits may be slaughtered on site in a **humane and sanitary manner** as long as it is not done in view from any public area or any adjacent property owned by another.

Comment [R5]: Larger sites with more space between houses so why does the setback need to be increased.

Comment [R6]: What about fencing that protects the animals from predators such as raccoons or rats.

Comment [R7]: Roof and 2 sides not incorporated

Comment [R8]: Very loose restriction. Noise and enjoyment of backyard still an issue. Better if setback is from property line.

Comment [R9]: Min area requirement for chickens?

Comment [R10]: Does this mean their pen needs to be 10,000 square feet? is that for each animal?

Comment [R11]: Noise issues from the animal screaming when slaughter is improperly done.

BROWN Kristie A

From: Lonnie,Toni <lonnietoni@comcast.net>
Sent: Sunday, November 25, 2012 8:40 AM
To: BROWN Kristie A
Subject: animal laws

I am writting you concerning 2 issues;

One, I am glad to see that you are considering raising the number of chickens allowed. However, I would like to see 8 instead of 6. This is simple math. 8 chickens at 5 eggs a week in the prime of summer wuold give a family of 4 forty eggs a week or 10 per person. In the winter or when the birds get a liitle older the total eggs might go down to 16 a week. Hardly enough for a family of four.

Second, and I don't know if this is your conern, but I would like to see some control on cats. My dog has to be kept on a leash, but cats come into my yard and dig in my beds, put feces in my yard and there is nothing I can do. I do not hate cats, there should just be some controls on them.

Thanks,
Lonnie

BROWN Kristie A

From: Denise Swanson <denises@uoregon.edu>
Sent: Monday, November 26, 2012 11:26 AM
To: BROWN Kristie A
Subject: Urban Goats Support
Attachments: Urban Goats.pdf

Hi Kristie,

Thanks so much for your help on planning for the public meeting on Dec. 11th regarding the inclusion of goats living in the city of Eugene. I've put together a short PowerPoint presentation that I've converted to a pdf (if you'd also like the PowerPoint version of it, please let me know). I tried to capture a vision of what harmonious goat cohabitation can be like. If you have any suggestion on how I could make it better, please let me know! I plan on being at the public meeting to speak. Just wanted to include this pdf as well.

Thanks again for your assistance!

Denise Swanson



Tyler

Urban Goats

as City Pets

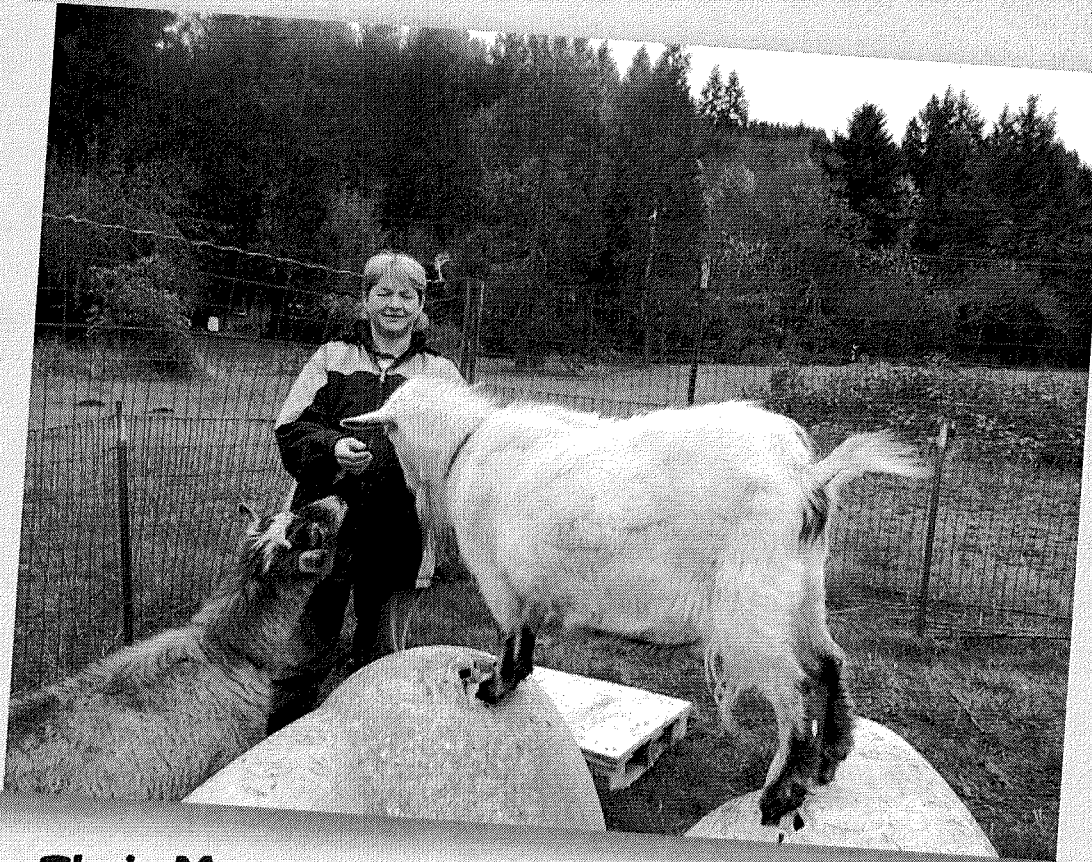
Miniature goats are pets with benefits. They eat unwanted plants and garden scraps, produce quality manure for gardens, and provide a good source of milk. They are loving and endearing animals that given a chance, would make wonderful city dwellers.

Goats make exceptional pets, and with any pet you have to consider their needs and provide for them. It's all about being a responsible pet owner. With careful thought and planning, goats can be good neighbors who integrate seamlessly into an urban setting.



Pen Living

Tarek and Tyler are my 12 year old pygmy-mix goats who each weigh under 100 lbs. They have been fixed (no odors like that of intact bucks) and dehorned. They like to climb on things (like stumps and Dogloos), sleep in a dry shelter, and have the option for shade/protection from rain and snow (free standing metal-poled canopy).



Living Within Their Means

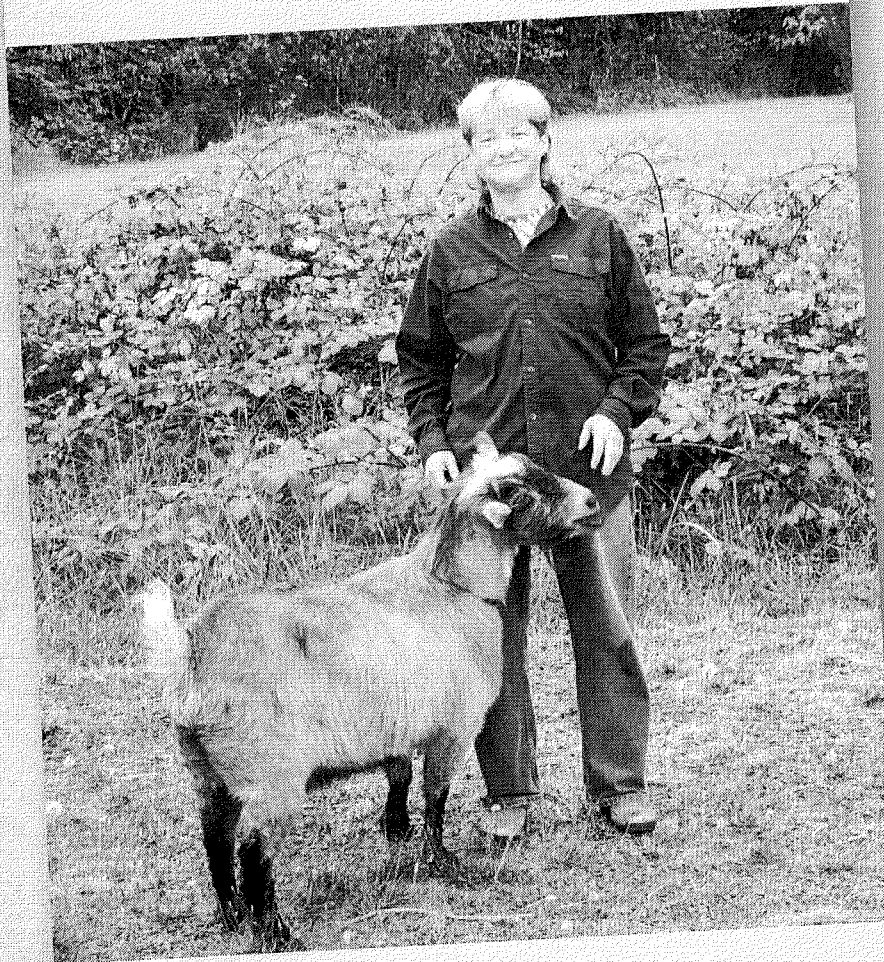
Tarek and Tyler's pen is made from metal livestock fencing that is less than 6 ft. in height. Standing 5 ft. 7 in. tall, the top of the fence is a few inches over my head. Even standing on the top of the Dogloo, Tarek only comes up to my chest. With the Dogloos and any other climbable objects set back from the fence, both goats are unable to scale over the fence and escape. The fence protects my goats from roaming dogs and predators and they in turn actually like the safety the enclosure provides them.



A Community of Sharing

Our goats are an integral part of my work community at the University of Oregon. Co-workers and friends who live in spaces where they cannot compost their fruit and vegetable scraps, bring them to work and place them in a compost bucket. Throughout the day more food scraps are deposited. At the end of the day, I take the bucket home for my goats to eat. Happy Goats! The goats love the food remnants and my co-workers are glad they do not have to throw usable food scraps away.

In turn I collect the goat's manure and use it to fertilize grapes and other plants in my yard. In the fall I collect the grapes and juice them for drinking and making jelly. I take the grape juice and jelly to work so my friends and co-workers can enjoy them. Happy Friends and Co-Workers! Everyone wins!



Tyler and Me

A Place For Us All

I've had my goats since they were 2 ½ weeks old. While they ARE goats, they consider themselves part human. They've been raised to not butt people and they absolutely love human contact.

They are not big or prolonged noisemakers, though they will acknowledge a visit or herald danger with a few bleats.

Their manure, which resembles that of rabbits, is compact, easily collected, and low in offensive odors. It is great for distribution in the garden and other compostable areas, making their waste removal a self-contained, low-impact system.

With the guidelines the city of Eugene is considering implementing, I know the vision of goats living in an urban setting can be a harmonious and successful one for everyone involved.

BROWN Kristie A

From: Chip Kiger <kiger@rioussa.com>
Sent: Monday, November 26, 2012 8:01 AM
To: BROWN Kristie A
Subject: Rule Change

Dear Ms. Brown,

I've been a beekeeper here in Eugene for 16 years. Many of my neighbors are aware that I have a hive in the backyard. All of them are supportive of having honeybees in the neighborhood because of their awareness of the pollination help my bees provide to local flower and vegetable plants.

I believe their support also stems from their understanding about the severe perils bees face here in North America. Honeybees are rapidly becoming an endangered species due to the increase of predators and diseases in American bees over the past 25 years. A decision by Eugene city government to permit homeowners to expand from one bee colony up to two would represent a significant local assist to the best insect friend that humans have. I sincerely hope you will support this measure.

Thank you,

Chip Kiger

**DRAFT
Findings**

Urban Animal Keeping Code Amendments (CA 12-2)

Eugene Code Section 9.8065 requires that the proposed ordinance comply with the following approval criteria (in bold and *italics*):

- (1) *The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposed action does not amend the citizen involvement provisions. The process for adopting these amendments complies with Goal 1 because it is consistent with, and will not change the City's existing and acknowledged citizen involvement provisions.

The Planning Commission public hearing on the amendments was duly noticed. Notice of the public hearing was also published in the Register Guard. The City Council then held a duly noticed public hearing to consider approval, modification, or denial of the amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the amendments are consistent with Statewide Planning Goal 1.

Goal 2 - Land Use Planning. *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

The City's acknowledged land use code specifies the procedures and criteria to be used for decisions and actions related to land use applications. The amendments do not change the planning process, policy framework or information relied on in making decisions and actions related to land use applications. The record also shows that there is an adequate factual base for the amendments. There are no Goal 2 Exceptions required for the amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. *To preserve agricultural lands.*

The amendments do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. *To conserve forest lands.*

The amendments do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. *To conserve open space and protect natural and scenic resources.*

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

The amendments do not create or amend the City's adopted inventory of Goal 5 resources, and does not amend any code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5. The amendments do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged UGB. Therefore, the amendments are consistent with Statewide Planning Goal 5.

Goal 6 - Air, Water and Land Resource Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's protections for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not alter or affect the City's existing restrictions and approval criteria regarding development in areas subject to natural disasters and hazards. Therefore, Statewide Planning Goal 7 does not apply.

Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not alter or affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

Goal 9 - Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendments do not affect the amount of land designated or zoned for commercial use and will have no direct impact on the existing supply of or any existing commercially designated land. Therefore, the amendments are consistent with Goal 9.

Goal 10 - Housing. To provide for the housing needs of citizens of the state.

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The amendments do not impact the supply or availability of residential lands included in the City's documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, Goal 10 does not apply to the amendments.

Goal 11- Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.

Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR 660-12). TransPlan provides the regional policy framework through which the TPR is enacted at the local level. The amendments will not significantly affect any transportation facility. The level of development currently permitted through existing code and zoning regulations will remain the same. No change in the functional classification of streets will result from the amendments. In addition, no changes are proposed to the standards that implement the functional classification system. Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

The amendments do not affect any of the City's energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. To provide for an orderly and efficient transition from rural to urban land use.

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The amendments do not include any changes that affect the regulation of areas within the adopted Willamette River Greenway boundaries. Therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

The amendments do not include any changes related to coastal, ocean, estuarine, or beach and dune resources. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(2) The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The amendments do not include any change in adopted land use designations or policy, nor does it change any requirements in the City's land use code concerning compliance with the Metro Plan and applicable refinement

plans. There are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that specifically serve as mandatory approval criteria in this instance or otherwise limit the expiration period for approved land use applications. Therefore, the amendments comply with the above criterion.

(3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.*

The amendments do not establish a special area zone. Therefore, this criterion does not apply.